

REMARKS

This response responds to the Office Action dated April 27, 2009 in which the Examiner rejected claims 1-8, 10-19 and 21-22 under 35 U.S.C. § 103 and objected to claims 9 and 20 as being dependent upon on a rejected base claim but would be allowed if rewritten in independent form.

Claims 1-8, 10-19 and 21-22 were rejected under 35 U.S.C. § 103 as being unpatentable over *Sako* (U.S. Patent No. 5,732,088) in view of *Higashida, et al.* (U.S. Patent No. 6,826,181) and further in view of *Suzuki, et al.* (U.S. Publication No. 2003/0225985).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

Applicant respectfully points out that this application is entitled to a claim of priority to JP 2002-014581 filed April 5, 2002 which is prior to the filing date of *Suzuki, et al.* of May 31, 2002. Attached to this response is a certified translation of Applicant's priority document. Thus, *Suzuki, et al.* is not a proper reference. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 1-8, 10-19 and 21-22 under 35 U.S.C. § 103.

Since objected to claims 9 and 20 depend from allowable claims, Applicant respectfully requests the Examiner withdraws the objection thereto.

Thus it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

Should the Examiner find that the application is not now in condition for allowance,
Applicant respectfully requests the Examiner enters this response for purposes of appeal.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

Frommer Lawrence & Haug LLP
Attorneys for Applicant

Date: June 9, 2009

By: 

Ellen Marcie Emas
Reg. No. 32,131
(202) 292-1530